

REMARKS

The above amendments and following remarks are responsive to the points raised in the May 16, 2007 non-final Office Action. Upon entry of the above amendments, Claims 1, 19, 38, 43, 46-49, 66, and 69 will have been amended, Claims 55-65 will have been withdrawn from further consideration as being directed to a non-elected invention without prejudice or disclaimer, new Claim 70 will have been added, and Claim 1-70 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Rejection under 35 U.S.C. § 112, First Paragraph

Claim 50 has been “rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.” More specifically, the Examiner urges that the subject matter recited in Claim 50, i.e.,

“The netting material of claim 49, wherein the reflective indicator is applied to the netting material in a substantially liquid form”,
“was not described in the specification in such a way as to reasonably convey to one skilled in the art the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The written description does not describe the process where a reflective indicator is applied to the netting material in a substantially liquid form.” Applicants traverse this rejection.

Applicants have amended the specification, in the paragraph on Page 10, Lines 3-9, of the specification, to provide positive antecedent basis therefor in the specification. Applicants respectfully submit that the written description of the invention, at the time the application was filed on December 7, 2004, complied with the written description requirement set forth under 35 U.S.C. § 112, first paragraph.

Contrary to the Examiner's comments, it is notoriously old and well known in the textile industry to apply, for example, various dyes and/or coatings to ribbons, etc., using various well known methods. On this basis, Applicants respectfully submit that it would have, likewise, been well within the purview of one of ordinary skill in the art, at the time the application was filed, to have applied a reflective indicator in a substantially liquid form to a netting material.

Accordingly, the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Response to the Rejection under 35 U.S.C. § 103(a)

Claims 1-50 and 52-54 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,521,551 to Mass et al. (Mass) in view of US Patent 5,804,275 to Tsunefuji. Claims 36 and 37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji and further in view of US Patent 4,697,407 to Wasserman.

Claims 50 and 51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji and further in view of US Patent 6,660,378 to Chizmas. Claims 66-69 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Tsunefuji.

Applicants traverse these rejections. Applicants respectfully submit that none of the applied references of Mass, Tsunefuji, Wasserman, and Chizmas, either alone or in combination, teach, suggest, or would have otherwise rendered the subject matter of Claims 1-54 and 66-69 obvious to one of ordinary skill in the art, at the time the inventions was made.

The Examiner acknowledges that the applied primary reference to Mass does not teach each feature of the subject matter recited in Applicants' independent Claims 1, 19, 38, 43, 46-49, 66, and 69. More specifically, the Examiner acknowledges that the knitted netting disclosed by Mass does not include "a reflective ribbon or an indicator strip", as recited in independent Claims 1, 19, 38, 43, and 46-49, and "a reflection value of a [sic] least 30" or "a 50 ft visibility", as recited in independent Claims 66 and 69. The Examiner urges that the applied secondary

reference to Tsunefuji discloses "a fiber product having reflective threads and a reflective implement provided by using the fiber threads." On this basis, the Examiner attempts to rely upon the secondary teaching of Tsunefuji to remedy the acknowledged deficiencies of Mass, and concludes that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a reflective indicator fiber product of Tsunefuji in the knitted netting of Mass motivated to produce a knitted netting that will be visible at night".

The primary reference to Mass is directed to a modified schuss knitted netting, wherein the modified schuss has a length longer than that of prior art schuss resulting in a modified schuss knitted netting exhibiting reduced lateral shrinkage relative to prior art schuss knitted netting. Mass provides no teaching or suggestion regarding the inclusion of any elements or features outside the lateral and longitudinal ribbons that comprise the modified schuss knitted netting having the reduced lateral shrinkage referred to above. The secondary reference of Tsunefuji is directed to a fiber product including reflective threads. The Tsunefuji fiber product is disclosed as being formed as either a woven fabric, woven fabric strip, Jacquard woven fabric, braided string, knitted string, twisted string, crosswise wound thread, crosswise wound string, knitted fabric, or knitted lace. Tsunefuji, however, neither teaches nor suggests the fiber product disclosed therein as being formed as, or incorporated into, any type of knitted netting, including a schuss-type knitted netting. Further, Tsunefuji advances no teaching or suggestion as to how the fiber product thereof could be utilized in such a knitted netting of the type disclosed by Mass so as to retain the reduced lateral shrinkage achieved by Mass. On this basis alone, the subject matter of Applicants' independent Claims 1, 19, 38, 43, 46-49, 66, and 69, as well as dependent Claims 2-18, 20-37, 39-42, 44, 45, 50-59, 67, and 68, are patentably distinguished over the applied references of Mass and Tsunefuji, either alone or in combination.

Notwithstanding the above discussion, independent Claims 1, 19, 38, 43, 46-49, 66, and 69 has been amended to recite that the at least one interconnecting reflective indicator, or strip,

so that the reflective indicator, or strip, includes an elongation capability between 0% and at least 40% when the netting is elongated. Newly added Claim 70 recites that the at least one interconnecting reflective indicator includes an elongation capability of up to 200% when the netting is elongated. Nowhere is it seen within either of the applied references of Mass and Tsunefuji, where Mass and Tsunefuji, either alone or in combination, would have taught, suggested, or otherwise motivated one of ordinary skill in the art, at the time the invention was made, to modify the modified schuss knitted netting of Mass by incorporating therein, a reflective fiber product as disclosed by Tsunefuji and recited in Applicant's claims.

The Examiner, in rejecting Claims 36, 37, 50, and 51, applied the tertiary references of Wasserman or Chizmas. The Examiner urges that Wasserman "teaches a thread like continuous retroreflective fiber that is produced of a retroreflective material" and that Chizmas "teaches that the glow-in-the-dark outer surface comprises a coating chosen from the group consisting of a paint, dye and a tape". Notwithstanding any specific teaching provided by Wasserman or Chizmas, neither Wasserman nor Chizmas advance any teaching or suggestion that, at the time the invention was made, would have motivated one of ordinary skill in the art to further modify the combination of Mass in view of Tsunefuji, as advanced by the Examiner, and arrive at the subject matter recited in Applicants' claims. On this basis alone, the subject matter of Applicants' Claims 36, 37, 50, and 51 are patentably distinguished over the applied references of Mass, Tsunefuji, Wasserman, and Chizmas, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

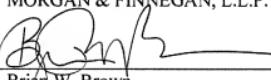
CONCLUSION

Applicants respectfully submit that Claims 1-54 and 66-70 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1874-4050.

Respectfully submitted,
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